



Transcript for the 16 April 2010 Webchat Immigrant Visa Applicants & the Affidavit of Support (I-864 and I-134)

1. adorman: I see that I am not required to come to the interview as a petitioner, but do you recommend that I attend with my husband- is that at all beneficial?

* London Chat2 2:

2. Barrie Hall: Can an I134 be completed in the usa by my fiancée and then scanned and sent to me in the UK for inclusion in my pack or do I need the original?

* London Chat2 2: You must present the original document. We will not accept a scanned copy.

3. Becky : What is the I-134 document? I am applying for my husbands immigration visa. Is an I-184 or I-134 required?

* London Chat2 2: You are required to complete the I-864.

4. allamericangirl: When filling out the I-864 it asks for country of residence'should my fiance put uk, where he is currently living, or US?

* London Chat2 2: A fiancée visa applicants is required to furnish an I-134, not I-864.

5. Phill: I had to return a missing I-864 from my spouse (my petitioner) along with my passport by Secure DX following my visa interview last week. How and when will I be informed of any progress please? I realise this is slightly off-topic, but there's nowhere else to ask. Thanks.

* London Chat2 2: Call the Operator Assisted Information Service on 09042 450 100 (Calls cost 1.20/min) for assistance.

6. Carrie Morrow: Is the US citizen spouse/petitioner/sponsor required to attend the interview with the immigrant visa applicant?

* London Chat2 2: There is no requirement that the sponsor attend the immigrant visa interview.

7. songbird: May I use the I-864 dated 09/26/00 or do I need a more recent one? This was sent to me a while ago.

* London Chat2 2: The most recent form is available from the USCIS website at <http://www.uscis.gov/>

8. Roy Reeves: So the I-134 will have to be with me on the day of my interview?

* London Chat2 2: You may present the I-134 on the day of your interview, or if preferred, may submit it ahead of time when sending the visa application forms to the Immigrant Visa Unit.



9. Roy Reeves: my fiancée has applied for the fiancée visa, so does my sponsor do the I-134 or the I-864?

* London Chat2 2: If you are applying for a fiancée visa, your sponsor completes the form I-134.

10. Carrie Morrow: If an applicant is applying for an immigrant visa based on an approved I-140, does he have to complete an I-864 or I-134 for his spouse?

* London Chat2 2: Applicants applying for employment based immigration are not required to furnish an affidavit of support.

11. Duncan: Do I need to get the I-864 notarized? If so, do I need to do this in front of a consular official (I'm currently living in the UK)? If so, does this have to be done prior to my wife's interview, or should I go with her on the day of the interview to get it notarized then?

* London Chat2 2: The I-864 does not need to be notarized

12. allamericangirl: I'm getting married to a US citizen and I'm about to apply for a fiancée visa. Does my fiancée have to complete an I-864 or an I-134?

* London Chat2 2: Your fiancée completes an I-134.

13. Roy Reeves: do I need to fill in the DS-2000 form if my in-laws are doing the I-134?

* London Chat2 2:

14. Consular Officer: Hello. Welcome to the U.S. Embassy Webchat on the I-864 and I-134 Affidavits of Support for immigrant visa applicants.

* CO.NX Moderator (Jennryn):

15. Neet: Hello, if my sponsor has not earned any income so far in 2010, I understand he must put his income as \$0 on the I-864. He has a job starting in June so can he attach the job offer letter and include that as evidence of expected earnings? Thank you.

* Consular Officer: No, we cannot accept job offers as proof of expected earnings. Job contacts can be accepted but not job offers. He will have to list his 2010 as \$0. If he does not meet the financial requirements, a joint sponsor can also complete an I-864.

16. songbird: My husband has been the main earner in our home and I have been recently made redundant in my job, as neither of us are currently employed in the US, how would we figure if our assets are enough??

* Consular Officer: For an immigrant visa based on a spouse relationship, you must be able to provide proof of cash liquid assets of at least three times the annual salary level as specified on the I-864P (125% of the poverty line) for your family size.



17. songbird: I am sponsoring my husband but have been working in the UK. I have not filed income tax forms as I was informed that due to the tax treaty I was not required to, do I need to file in order for the I-864 to be considered.

* Consular Officer: Yes, the tax treaty only impacted the amount of taxes you may or may not be required to pay, not the requirement to file. Almost all U.S. citizens no matter where they live or where their income is earned are required to file a U.S. federal tax return (1040), this information can be found on the IRS website: <http://www.irs.gov/individuals/article/0,,id=96623,00.html>. If you plan to petition for your husband to move to the U.S. you must provide copies of your last years or U.S. federal tax returns along with your completed I-864.

18. sfb21: My wife and 2 year old son are American and I am english, we are all living in England at the moment. My wife has protioned me for a VISA so we can move to Florida, my wifes parents are going to sponcer me. My question is do both of my wifes parents need to fill out an affidavit and if so which ones, also as my wife and son are US citizens do they need sponsering also or just me?

* Consular Officer: Your wife will need to complete an I-864 as the petitioner, even if she does not meet the financial requirements. If a joint sponsor is required, s/he will need to complete an I-864 agreeing to sponsor you, not your wife and son as they are U.S. citizens.

19. Sam: Hi - I have filed an I-130 petition for my husband on the 6th Aprill. As we have no assets in the U.S. can my parents/sister co-sponsor my husband's application? If so, what documents would I require from them? - Thank you in advance

* Consular Officer: Yes, but you as the petitioner must also complete an I-864 even if you do not meet the financial requirements. If you will require a joint sponsor, anyone in the U.S. (relative or not) may complete an I-864 agreeing to sponsor your husband. This must be an original signed form with all accompanying documents – copy of U.S. tax return, proof of status in U.S. (copy of U.S. passport, U.S. birth cert, or legal permanent resident card) and any relevant bank statements or financial documents. Please note that if your joint sponsor files taxes jointly with a spouse, s/he must either submit a W2 with showing sufficient income or a completed I-864A from their spouse.

20. Waza: Hi, My US fiancée is concerned about her affadavit of support for me. She has had her own company for 8 years which has been very profitable but for the last couple of years her mom has been sick so her and her sister have wound down the company a bit to look after her, so her income is minimal, she owns the building and has a \$120,000 retirement plan also \$1000,00 in a bank account. She lives in the family home which is in her sisters name. Would all that be enough for my support.

* Consular Officer: If the petitioner for a fiancé visa does not have sufficient annual income (125% above the poverty line as specified on the I-864P), then the petitioner must provide proof of cash liquid assets that meet or exceed 3 times the income level



for their family size. Real estate is not included as cash liquid assets. Retirement plans may be included but must specify what the penalty of early withdrawal is. If the petitioner does not meet these requirements, a joint sponsor may complete an I-134 as well.

21. Paulette Highland 2: For a K-1 visa, can a co-sponsor provide an I-134 if the U.S. petitioner has income below the poverty level?

* Consular Officer: Yes, but the petitioner must also submit a completed I-134. A joint sponsor can be used and must complete the I-134, with accompany evidence (tax returns, status in the U.S. (copy of U.S. passport, birth certificate, or Legal Permanent Residence card) and any relevant bank statements or other financial documents).

22. Paulette Highland 2: To what extent are a fiance's prospects for employment in the U.S. considered to determine whether the financial requirement is met for a K-1 visa?

* Consular Officer: The fiancé's employment prospects are not taken into account for the I-134. This is based solely on the petitioner and/or joint sponsor. A K visa applicant will not be able to work until after marriage and adjustment of status.

23. barrie hall: For an I-134 form in conjunction with a K1 finance visa, can the pay slips and past tax year forms be copies? I ask as these will have to be posted from the UK to London and concerned if the originals get lost. Thank you

* Consular Officer: The I-134 (or I-184) must be an original signed document. The supporting documents (taxes, bank statements, pay slips, etc) can be copies.

24. MARCO: I am a 2010 DV applicant and my consular interview is scheduled to take place in less than 1 month. I am required to submit "evidence of support" proving that I will not become a public charge. The US Embassy website indicates that "Applicant's own funds" are sufficient evidence to meet the public charge provisions of the law, replacing the I-134 form. Can I bring to the consular interview a "bank statement showing present balance of applicant's account, date account was opened, the number and amount of deposits and withdrawals during the past 12 months, and the average balance during the year?" I've been physically present in the US for the past 10 years, I've always supported myself, I have funds well above the poverty level, I have an excellent credit score (no credit card debts), I have an advanced degree from a US institution (PhD), and I'm in good health. Please let me know if the bank statements documenting my "own funds" are sufficient as the requisite "evidence of support."

* Consular Officer: DV applicants may submit proof of their own funds as evidence of support. This proof could be a bank statement(s) over the past 12 months showing the average balance of the applicant's account(s). Evidence provided to satisfy the public charge provisions of U.S. immigration law must meet the U.S. poverty guidelines as specified on the I-864P form (www.uscis.gov/files/form/i-864p.pdf). If you are basing your evidence of support purely on assets, not early income in the U.S., then the cash liquid value of your assets must be 5 times the yearly income required for your family size. If you do not meet the minimum requirements, you may have a joint sponsor who



is the U.S. as a U.S. citizen or Legal Permanent Resident , complete an I-134 Affidavit of Support (<http://www.uscis.gov/files/form/i-134.pdf>).

25. Louise Fillipo: My Husband and I plan to return to the US later this year. I have been living in the UK with leave to remain permit. As I do not have employment in the US, will we need an I-864 after 15 years of marriage?

* Consular Officer: Yes. The petitioner for a family base immigrant visa must complete an I-864, even if the petitioner will not meet the financial requirements. If you are leaving your employment in the UK and do not have employment in the U.S., you may submit proof of cash liquid assets totaling 3 times 125% of the poverty for your family size as specified on the I-864P (for spouse and children) or 5 times the 125% of the poverty for your family size (for all other family based immigrant visas). If you do not have sufficient assets, you may have a joint sponsor complete an I-864 for the beneficiary. The joint sponsor must be living in the U.S. and either be a U.S. citizen or Legal Permanent Resident (Green Card holder).

26. Becky : I am applying for an immigrant visa for my husband. I am currently working on completing the Affidavit of Support for his application. At the moment we both live and work in London. I will be transferring with my current employer to the US. Can I use my expected income in the US per my signed employment contract as in the I-864 or will I need to find a co-sponsor?

* Consular Officer: Maybe, in order to use your planned income in the U.S. as proof for the I-864 you must have a signed employment contract that specifies your start date and income, which must meet the poverty line guidelines as specified on the I-864P. We cannot accept job offers or promise of transfer from your employer, it must be a signed contract.

27. Carrie Morrow: If a tax return for the most recent year has not been filed, will an extension be accepted, supplemented by the previous year's tax return?

* Consular Officer: Yes, if you have not filed your taxes yet but have proof of an extension and your previous year's taxes, this will be accepted as proof of meeting your tax obligations, but not necessarily of your income or assets. You must still be able to provide proof of your income for the most recent year - e.g. W2, pay slips – or proof of assets – e.g. bank statements, portfolio summary.

28. Carrie Morrow: How many years of tax returns must be presented with the I-864?

* Consular Officer: One year of tax returns is required with the I-864, the filing year most recent to the date the I-864 was signed. Please note that if the petitioner has not been living in the U.S., s/he must submit the last three years of tax returns for U.S. domicile requirements



29. Becky : I am a US Citizen living in London. I will need to file an I-864 for my husband. I will be transferring with my firm to the US. I will not start workin the US until he receives his visa and we move back to the US. Am I able to sponsor him as long as I have a contract that states what my salary will be?

* Consular Officer: Yes, if it is a signed job contact stating your start date and annual salary, which meets the poverty guidelines as specified on the I-864P form for your family size. We cannot accept job offers or letters stating you will be transferred

30. Marco Curreli: Can a Diversity Immigrant Visa applicant who is scheduled for a consular interview in London meet / satisfy the public charge provisions of the law by submitting SOLELY the following 2 pieces of evidence? 1) The applicant's own bank statement showing the present balance of his account, the date the account was opened, the number and amount of deposits and withdrawals during the past 12 months, and the average balance during the year? If so, what is the minimum present balance and minimum average balance during the year required by the consular office? And 2) Proof of the applicant's ownership of an automobile, in the form of an automobile title and the bank records showing the applicant's monthly car payments to date?

* Consular Officer: A DV applicant may submit bank statement(s) showing the present balance of account(s) and activity over the past 12 months as proof of assets to satisfy the public charge provisions of U.S. immigration law. The current balance must meet 5 times the annual salary for the applicant's family size, as specified on the I-864P as 125% of the poverty line. Example: For a family size of 1-2 people, the DV applicant must submit proof of at least \$91,060 in cash, liquid assets. The applicant should be able to explain the source of funds in their bank accounts. If an applicant does not have sufficient assets, s/he may submit an I-134 completed by a joint sponsor that lives in the U.S as either a U.S. citizen or Legal Permanent Resident.

31. PeggyC: I've heard that homes are no longer being counted as part of assets for the I-864 - is this true?

* Consular Officer: In general a home cannot be submitted as proof of assets because the assets must be able to be liquidated within 6 months. If the home is under contract, it may be considered, but will be handled on a case by case bases. Assets provided for the I-864 must be cash liquid assets or be able to be liquidated within 6 months, so the funds can be used if needs arise upon arrival in the U.S.

32. Rhonda Horton: My i29f and ALL supporting documentation was received by the USCIS on 04/09/2010. Will I still need to submit I-864 PRIOR to my Fiancée entering the United States?

* London Chat2 2: Fiancee visa applicatns complete an affidavit of support, form I-134, not I-864. The form is presented on the day of the visa interview.



33. pamolly: Does the co financial sponsor fill in this information or does the applicant?

* Consular Officer: If by "this information" you mean the I-864 or I-134 the petitioner must complete the form, and any required joint sponsors. The applicant (beneficiary) does not complete the I-864 or I-134 unless the petitioner and beneficiary are using joint assets as proof of financial solvency. In that case the petitioner would complete an I-864 and the beneficiary the I-864A.

34. Janie: On joint sponsors form, is the main sponsor also to be listed as a person being sponsored along with the intended immigrant? Main sponsor being wife of immigrant and not enough income to support him alone. #21, c, if currently married, enter 1 for your spouse, in the main sponsors form, wouldn't that mean household size would be 3 persons when there are only the 2, after being added up as yourself is checked for you.??? Thank you

* Consular Officer: For the I-864 completed by the petitioner (U.S. citizen) you do not include yourself under spouse, as you are already accounted for as the petitioner. This means if the petitioner and beneficiary (spouse of petitioner) do not have children, the family size on the I-864 will be 2. For the I-864 completed by a joint sponsor, the joint sponsor would need to include his or her spouse as part of their family size, but not the petitioner.

35. YankeeVM: Another question: Because I am the petitioner, should I skip Part 3 and Part 4 of the I-864 and leave them blank? Are parts 3 and 4 for joint sponsors to fill out only? If I were to fill out question 8 of part 3 correctly by saying 'yes' then it messes up my numbers in part 5 as I end up having to count my husband (the immigrant) twice.

* Consular Officer: You must fill out parts 3 and 4. If you fill out the form correctly you will not count yourself or the immigrant twice. If you are only sponsoring your husband (no other family members at this time or previously) the number on line 10 should be 1, which is then entered in part 5 – as stated do not count anyone twice – so the total family size will be 2.

36. YankeeVM: The I-864 instructions (pg 3) state that 'You may include the value of your home as an asset.' However, I keep hearing stories of people who have tried to use their home equity as a major asset have been rejected and told that they cannot use it to count toward their I-864. The net equity of our home far exceeds the required financial obligation, if we provide the proper documentation as stated in the instructions (pg 3), will we be allowed to use our home equity as an asset?

* Consular Officer: The form does allow you to list real estate as an asset, but it does not allow a consular officer to count any assets as sufficient to satisfy the public charge requirements under U.S. immigrant law unless the assets are cash assets or able to liquidate within 6 months. In general real estate, unless under contract, is not guaranteed to be liquid within 6 months.



37. Pamolly: Hello, I am a US citizen married to a Uk citizen and have been living in the Uk for the last 10 years. We are getting ready to start the process of getting my husband a visa so we can go back to the US hopefully before the end of this year. My husband receives a monthly pension from the army and we have been advised it is not enough and will need a financial co sponsor, we have a qualifying sponsor from the US and need to know is it the form I-864 or is it I-134?

* Consular Officer: First, even if you as the petitioner along with your husband's pension, does not meet the financial requirements, you still are required to complete an I-864. Second, if you require a joint sponsor, the joint sponsor must complete an I-864 with accompany documents (tax return, proof of assets, and proof of U.S. citizenship or Legal Permanent residence).

38. Anne: What happens if the sponsor is unemployed but expecting to be re-employed soon? Does this affect how the I-134 is processed?

* Consular Officer: Yes, if the petitioner does not currently have an income, s/he must submit proof of assets – 3 times the annual salary as specified on the I-864P form for spouse, child, or fiancé or 5 times the annual salary for any other family based immigrant visa. If the petitioner does not have sufficient assets, a joint sponsor may complete the I-134 or I-864 as required for the type of visa you are applying for.

39. virginiaclare: What supporting documentation do you need for co-sponsors on an I-864? Alos...does it matter if a co-sponsor lives in a different state to the intended state of residency of the petitioner and beneficiary?

* Consular Officer: If a joint sponsor is required, s/he must complete an I-864 with accompany tax forms and proof of assets. In addition, s/he must provide copy of their U.S. passport, U.S. birth certificate, or U.S. Legal Permanent Resident Card.

40. GuestIRC: What is a I-864?

* Katrina Mosser: The affidavit of support

The webchat ended at 16:00 BST. Thank-you to all of you who participated!